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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Dkt. No. 065691-0216

Applicant: Jean-Claude CHERMANN et al.

Title: VACCINE AGAINST INFECTIOUS AGENTS HAVING AN  
INTRACELLULAR PHASE, COMPOSITION FOR THE TREATMENT  
AND PREVENTION OF HIV INFECTIONS, ANTIBODIES AND  
METHOD OF DIAGNOSIS

Appl. No.: 09/827,345

**RECEIVED**

Filing Date: April 6, 2001

MAY 16 2003

Examiner: Myron G. Hill

**TECH CENTER 1600/2900**

Art Unit: 1648

**AMENDMENT AND REPLY UNDER 37 C.F.R. § 1.111**

Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

Sir:

This communication is responsive to the Office Action dated January 14, 2003, concerning the above-referenced patent application.

Enclosed herewith is a Petition for One-Month Extension of Time, to extend the response date to May 14, 2003.

Please amend the application as follows:

**In the specification:**

On Page 1, between lines 3 and 4, please replace the current paragraph with the following:

91 --This application is a continuation of U.S. Application No. 09/599,549, filed June 23, 2000 (now abandoned), which is a divisional of U.S. Application No. 08/973,551, filed February 19, 1998 (now U.S. Patent No. 6,113,902), which application is the National Stage

P1 of International Application No. PCT/FR96/01006, filed June 28, 1996, published in a non-English language.--.

**In the claims:**

In accordance with 37 C.F.R. § 1.121, please substitute for claims 26 and 28 the following rewritten version of the claims, as amended. The changes are shown explicitly in the attached "Version With Markings To show Changes Made."

Q2 26. (Amended) An isolated antibody which binds to at least one isolated  $\beta$ 2-microglobulin cryptic epitope, said epitope has 15 amino acids or less and comprises an amino acid sequence, Pro-Lys-Ile.

Q3 28. (Amended) A method for diagnosing a patient having HIV, comprising detecting the presence of said cryptic epitope in said patient with an antibody according to claim 26.

**REMARKS**

**Disposition of Claims**

Receipt of the Office Action dated January 14, 2003 is acknowledged. Claims 26-30 are pending. Claims 26-30 stand rejected as allegedly being indefinite under 35 U.S.C. § 112, second paragraph. Claim 28 stands rejected under 35 U.S.C. § 112, first paragraph as allegedly being non-enabled. Claims 26-27 stand rejected under 35 U.S.C. § 101, as allegedly being unpatentable. Claims 26, 27, 29 and 30 stand rejected under 35 U.S.C. § 102(b), as allegedly being anticipated by Liabeuf.

**Claim Rejection - 35 U.S.C. § 112**

Claims 26-30 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Applicants respectfully traverse this rejection.

The Office Action alleges that it is not clear how the term "cryptic epitope" is defined. Applicants submit that cryptic epitope is well-defined on page 3, lines 21-37. Furthermore, Applicants submit that the term cryptic epitope is well-known and defined in the field of immunology and that one skilled in the art would understand the term cryptic epitope. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection.